IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.457 OF 2006

Rajaram Bapu Patil .. Appellant.
Vs.
Maruti Bapu Patil & Ors. .. Respondents.

Ms.Subhada Khot for the appellant.

CORAM : D.B.BHOSALE, J.

DATED : 27TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the appellant.

2. This appeal is directed against the concurrent judgments of the courts below by which the suit filed by respondent-plaintiff for partition and separate possession stands decreed. I perused the judgment of the courts below and in particular paragraph 18 to 22 of the judgment of the appeal court wherein admission of the payment has been recorded and on the basis thereof the courts, in my opinion, have rightly decreed the suit. Ms.Khot, learned counsel for the appellant submitted that after the partition in pursuance of the decree in regular civil suit No.88 of 1963 there was further partition in 1971. That contention has also been negatived by the courts below for the reasons recorded in the impugned judgments.

No substantial question of law is involved in the present appeal considering that there are concurrent findings recorded by the courts below and as I find sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under section 100 of the Code of Civil Procedure to disturb the findings of fact this appeal is dismissed.

(D.B.Bhosale, J.)